

REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, in light of the following remarks, are respectfully requested.

The indication of allowable subject matter is gratefully acknowledged, and the examiner's attention to this application is appreciated.

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Amendments and Claim Objections

The title, abstract, and claim 8 have been amended as suggested by the examiner. Accordingly, the objections to claims 8 and 9 have been overcome.

Claim 5 has been further amended to recite that the connection between the lamp and the vehicle's electrical system is detachable (see specification at p. 4, ln. 16-17), and that when the lamp is used as an emergency lamp, the first connection (lamp to first rechargeable battery) and third connection (first rechargeable battery to vehicle's electrical system) remain intact while the second connection (lamp to vehicle's electrical system) is disconnected. That is, connections 217 and 221 remain intact and 205 is disconnected during emergency use. See paragraph bridging pages 4 and 5 of the specification, and Fig. 2.

Rejections under 35 U.S.C. §103

The rejection of claims 5-9 as obvious over the combination of Swayne and Thomas is respectfully traversed.

The rejection states that Swayne discloses both a first electrical connection to a battery "as seen in Fig. 5" and a second electrical connection as reference number 37. This is a hypertechnical reading of the claims and the reference and is inaccurate. One of ordinary skill in the electrical arts would know that a lamp requires two wires for current to pass through the bulb, but that is not two electrical connections as recited in the claims when read in light of the specification. Claim 5 requires the two connections to be to a first connection to a first rechargeable battery and a second connection to the vehicle's electrical

system having a "second" rechargeable battery, wherein the first rechargeable battery is not suitable as the "car battery."

The rejection acknowledges that Swayne does not show this second battery that is not suitable for a car battery, but contends that Thomas' disclosure of a rechargeable flashlight provides that element. Thomas does not show the lamp having a separate electrical connection to the vehicle's electrical system; there is a connection only to the battery (38)/charger (19) system. As shown in Figs. 1-3, and especially Fig. 2, of Thomas, there is a single electrical connection from the lamp to the battery/charger system, and then a separate connection from the battery/charger system to the vehicle's electrical system. The lamp is connected to the batteries and to the charger, but there is no disclosure of a direct connection between the lamp and the vehicle's electrical system as recited in the present claims.

Swayne's "combined backing-up and trouble lamp" is not a "headlamp" as recited in the claims.

The combination of references is improper, and even if proper, does not render obvious the claimed invention. Thomas teaches providing a flashlight in a "convenient and readily accessible position" (col. 1, ln. 15-16), whereas a headlamp, or taillamp as in Swayne, is not in a readily accessible position to a passenger riding in the vehicle. The rejection does not explain how the combination would render obvious the rejected claims. The combination would suggest that the sheathed electrical connection (38) in Swayne would become unnecessary because Thomas teaches that the lamp/battery/charger assembly is removable without a connection (*i.e.*, infinitely portable). Swayne has addressed being able to operate the lamp in normal mode (*e.g.*, when the vehicle is in reverse) and as a trouble lamp (including use when the ignition is off; see col. 3, ln. 23-36) because of the direct connection to the vehicle's electrical system, and modifying Swayne with Thomas' structure means that the direct connection in Swayne is not necessary because the combination would eliminate the sheathed connector in favor of the removable and rechargeable battery/charger assembly in Thomas.

There is no reason or motivation for the combination of Swayne and Thomas to keep *both* the rechargeable battery/charger of Thomas and the direct electrical connection of Swayne. Thomas teaches use of a device only when removed from its charging holder. Because Swayne has a direct electrical connection to the battery, what is the motivation for adding rechargeable batteries, and then keeping both electrical connections? Such is hindsight reconstruction. Thomas teaches severing the electrical connection to the vehicle's electrics when the lamp/flashlight is removed from its mount, while Swayne teaches maintaining that connection, and so the references teach away from each other and cannot be properly combined.

To further distinguish Thomas, claim 5 recites that the connection between the lamp and the vehicle's the first rechargeable battery be detachable when the lamp is used for emergency purposes. Swayne and Thomas teach away from each other because Swayne requires maintaining the electrical connection to the vehicle to light the lamp, whereas Thomas teaches separating the lamp from the vehicle's electronics. The combination fails to teach or even suggest a removable headlamp connected separately to two batteries, the connection to the vehicle's system being detachable when the lamp is used as an emergency light.

Further, new claim 15 also distinguishes this combination of references. In Thomas, the housing (headpiece 11 and body 12) includes the rechargeable battery, whereas in claim 15 the battery is outside of the housing (and attached to the car).

Advisory Action

The Advisory continuation note states that the claim as proposed to be amended reads on Thomas. By the present amendment, the (first) rechargeable battery remains connected to the vehicle's electrical system.

As shown above, Thomas is a rechargeable flashlight (10), which when removed for use from its charging receptacle (17), disconnects the rechargeable battery in the flashlight from the charger (19) disposed in the receptacle (17), effectively separating the lamp from the vehicle's electrical system. In contrast, by requiring the lamp to be connected to the first rechargeable battery and that

battery to remain connected to the vehicle's electrical system, claim 5 recites a device which is effectively connected to a larger power supply. In Thomas, the lamp runs off batteries 44 and 45, and when they are discharged the device must be replaced for charging. In essence, to arrive at the claimed invention, one would have to provide a connection between the contacts 15, 16 in Thomas and the charger 19. To the contrary, Thomas' Fig. 3 specifically shows a plug and jack connector that would have to be replaced by a fixed connection, which would seem contrary to the removable flashlight concept of Thomas. The claimed invention will allow longer use because the rechargeable batteries remain connected to the car's main battery (the second rechargeable battery).

Alternatively, one would have to insert another rechargeable battery in the conductor line 36 of Swayne, but there is no motivation in the cited art for that change. Swayne runs directly from the car's main battery. By keeping the lamp's rechargeable batteries connected to the vehicle's electrical system, the claimed invention allows longer use of the lamp.

The Advisory queries why weight should be accorded to the limitation of "headlamp." Vehicle codes throughout the world require taillamps to be red, and many require headlamps to be white (or yellowish). A red-colored emergency light would be awkward to work with when changing a flat, working on the vehicles engine, or other purposes in which illumination is important. Thus, by using a headlamp, the purpose of which is inherently illumination, whereas the purpose of a taillamp is signalling a stop (and possibly a turn), the purpose of illumination (see application at paragraph bridging pages one and two) is accomplished. The cited art does not suggest this advantage.

Accordingly, withdrawal of these rejections is now believed to be in order and is earnestly requested.